

Message Text

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C O N F I D E N T I A L SECTION 1 OF 3 PANAMA 4730

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ARA/PAN ALSO PASS DEPUTY NEGOTIATOR GENERAL DOLVIN

EO 11652: GDS

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SUBJECT: TREATY NEGOTIATIONS - LANDS AND WATERS SUB-GROUP

SUMMARY: THIS MESSAGE DESCRIBES SOME SPECIFIC POINTS ON WHICH PANAMANIAN HAVE REACTED DURING ACTIVITIES OF LANDS AND WATERS SUB-GROUP DESCRIBED SEPTTEL. IT IS EVIDENT THAT THE PANAMANIAN PARTICIPANTS WILL USE THIS EXERCISE TO AID IN JUSTIFYING WHATEVER RECOMMENDATIONS THEY MAY ULTIMATELY MAKE TO THEIR POLITICAL-LEVEL SUPERIORS. THE EXERCISE ALSO PROVIDES FOR PANAMANIAN PARTICIPANTS SOME FEELING OF CONTINUING ACTIVITY AND DIALOG WITH THE US SIDE BETWEEN FORMAL NEGOTIATING ROUNDS. THEY HAVE RECENTLY REITERATED THE SERIOUSNESS WITH WHICH THEY TAKE THIS "TECHNICAL" DISCUSSION, AND THEIR STRONG DESIRE TO CONTINUE IT WITH END OF HAVING SOME TECHNICAL AGREEMENT ON LANDS AND WATERS READY TOWARD THE END OF THIS YEAR, FOR PRESENTATION AT POLITICAL LEVEL AT SUCH TIME AS CLIMATE IS PROPITIOUS FOR ITS CONSIDERATION. END SUMMARY.

1. DURING THE ACTIVITIES OF THE LANDS AND WATERS SUB-GROUP (DESCRIBED SEPTTEL), PANAMANIAN PARTICIPANTS HAVE
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BEEN RELATIVELY RESERVED. THEIR OVERT PURPOSE IS FACT-

FINDING, I.E., ASSEMBLY OF A COMPLETE RECORD, SUPPLEMENTED BY ON-THE-SCENE OBSERVATION, OF THE TOTALITY OF CURRENT US OPERATIONS IN THE CANAL ZONE ENTAILING USE OF LANDS AND WATERS. WE HAVE BEEN SHOWING THEM A SITUATION, AND THEY HAVE BEEN SEEKING TO UNDERSTAND AND DOCUMENT THE CURRENT PHYSICAL REALITY OF THAT SITUATION; THERE HAS BEEN NO DIRECT REFERENCE TO POSITIONS, OURS OR THEIRS. NONETHELESS, A FEW GENERAL LINES OF QUESTIONING, AND A FEW SPECIFIC OBSERVATIONS WHICH THEY HAVE VOLUNTEERED MAY BE OF ASSISTANCE TO US LANDS AND WATERS SUB-GROUP MEMBERS.

2. THEY FREQUENTLY INQUIRE ABOUT THE DEGREE TO WHICH PARTICULAR FACILITIES OR AREAS OF LANDS AND WATERS ARE ACTUALLY USED--FULLY, PARTIALLY OR NOT AT ALL--AND SEEK TO DETERMINE CLEARLY AND ACCURATELY NATURE OF CURRENT USE IN ALL CASES. THEY HAVE RAISED QUESTIONS AS TO DEGREE TO WHICH LANDS AND WATERS, OR FACILITIES, NOMINALLY BELONGING TO ONE AGENCY ARE IN FACT USED TO SUPPORT REQUIREMENTS OF OTHER AGENCIES (E.G., SCHOOLS).

3. PANAMANIAN OCCASIONALLY DISPLAY SOME IMPATIENCE AT DEGREE TO WHICH BRIEFINGS ARE COUCHED, OR QUESTIONS ARE ANSWERED, IN TERMS OF MONEY. THEY ONCE INQUIRED OF EMBOFF HOW COUNTRY LIKE US CAN ALLOW SUCH CONSIDERATIONS TO STAND IN WAY OF POLITICAL REALITY THAT, IN ORDER TO BE BROADLY ACCEPTABLE IN PANAMA, A NEW TREATY MUST PROVIDE SUBSTANTIAL AND VISIBLE RETURN TO PANAMA OF LANDS AND WATERS NOW IN CANAL ZONE, PARTICULARLY IN POLITICAL IMPACT AREAS IMMEDIATELY ADJACENT TO MAJOR CITIES OF PANAMA AND COLON. WE HAVE BEEN POINTING OUT THAT MONEY IS A FUNDAMENTAL POLITICAL REALITY IN THE US--THAT IF CONGRESS BECAME CONVINCED THAT PRICE TAG ON A NEW TREATY WAS INORDINATELY LARGE FOR ANY REASON, THIS MIGHT DO MUCH TO SECURE REJECTION OF THE TREATY. REPEATED EXPOSURE TO DETAILED AND TECHNICAL BRIEFINGS, PARTICULARLY FROM PANCANAL, DOES APPEAR TO BE HAVING A LIMITED EDUCATIONAL EFFECT IN THIS RESPECT, BUT WE WILL DOUBTLESS HEAR MUCH CONFIDENTIAL

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MORE OF THIS LINE OF ARGUMENT BEFORE AN AGREEMENT IS HAMMERED OUT.

4. PANAMANIAN HAVE GENERALLY BEEN VERY FORTHCOMING ABOUT AGENCIES OTHER THAN PANCANAL AND SOUTHCOM. THEIR REACTION TO VISIT TO FAA WAS HIGHLY FAVORABLE. THEY COMMENTED THAT THEY EXPECTED ABSOLUTELY NO FUNDAMENTAL DISAGREEMENT ABOUT FUTURE SITUATION OF THIS

AGENCY; IMPORTANT THING WAS TO INSURE THAT IT WAS NOT DISRUPTED AS CONSEQUENCE OF TREATY NEGOTIATIONS. THEY HAVE SHOWN CONSIDERABLE EAGERNESS TO VISIT SMITHSONIAN FACILITIES, AND APPEAR TO ENVISION CONTINUATION OF THIS ORGANIZATION IN SUBSTANTIALLY ITS CURRENT FORM. THEY ONCE INQUIRED WHETHER SITE OF FORMER TIVOLI HOTEL IN ANCON WAS NOW IN USE. WHEN EMBOFF SAID HE UNDERSTOOD THAT SMITHSONIAN HAD PLANS FOR LIBRARY AND CONFERENCE FACILITY THERE, PANAMANIAN RESPONDED "WONDERFUL". PANAMANIAN GROUP MEMBER RECENTLY VOLUNTEERED TO EMBOFF THAT HE SAW NO REASON WHY AGREEMENT ON FUTURE SITUATION OF ALL SUCH OTHER AGENCIES SHOULD NOT BE PURSUED NOW AT TECHNICAL LEVEL, TO AVOID LAST-MINUTE RUSH WHICH MIGHT OVERLOOK THINGS AND COMPLICATE SITUATIONS OF THESE AGENCIES.

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5. IN PRIVATE CONVERSATION WITH EMBOFF AFTER BRIEFING/ VISIT TO EMPIRE/BALBOA WEST RANGES, PANAMANIAN APPRECIATED QUALITY OF BRIEFING AND CONSIDERABLE EFFORT THAT WENT INTO IT. NEVERTHELESS, THEY INDICATED THEY WOULD STILL SERIOUSLY QUESTION AMOUNT OF LAND TIED UP IN THESE RANGES, AT LEAST PARTIALLY ON BASIS THAT EXTENSIVE RANGE LIMITS SPECIFIED IN US SAFETY CRITERIA SHOULD BE MINIMIZED BY PUTTING UP WALLS OR DIKES

BEHIND TARGET AREAS "THE WAY THE POLICE DO IN NEW YORK CITY".

6. DURING SESSION ON PORTS, PANAMANIAN PORT AUTHORITY DIRECTOR'S LINE OF QUESTIONING WAS CLEARLY INTENDED TO DELINEATE CURRENT DIVISION OF RESPONSIBILITIES FOR PANCANAL PORT OPERATIONS BETWEEN ITS MARINE (TRAFFIC CONTROL, PILOTAGE AND DOCKING) AND TRANSPORT AND TERMINALS (BERTH ASSIGNMENT, CARGO OPERATIONS, BUNKERING) DIVISIONS. THIS SUGGESTS TO US THAT THEY ARE SEEKING A BASIS FOR A LINE AT WATER'S EDGE WHEREBY OUR REQUIREMENT FOR CONTROL OF MARINE OPERATIONS IN CONNECTION WITH TRANSIT FUNCTION CAN BE FUNCTIONALLY HARMONIZED WITH PANAMANIAN DESIRE TO OBTAIN PORTS UNDER NEW TREATY. PANAMANIANS RESPONDED VERY FAVORABLY TO CONTACT WITH CONFIDENTIAL

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SENIOR OFFICIALS OF THESE TWO BUREAUS WHOM THEY MET, AND APPEAR TO BE SINCERELY LOOKING FOR A RATIONAL TECHNICAL BASIS TO ACCOMMODATE THEIR POLITICAL INSTRUCTIONS REGARDING PORTS.

7. PANAMANIAN PERCEPTIONS OF EXERCISE: IT IS QUITE EVIDENT THAT THIS EXERCISE, BEYOND ITS OVERT FACT-FINDING NATURE, ALSO HAS OTHER ENDS IN THE EYES OF THE PANAMANIAN SUB-GROUP MEMBERS. THEY ARE WELL AWARE THAT IN ORDER TO ACCOMMODATE ACTUAL AND JUSTIFYABLE US REQUIREMENTS FOR LANDS AND WATERS USE, THEY WILL HAVE TO MAKE SOME CONCESSIONS WHICH THEIR POLITICAL-LEVEL SUPERIORS WILL: A) NOT UNDERSTAND; (B) NOT FIND JUSTIFIED; AND (C) FIND POLITICALLY UNPALATEABLE AND THUS DESIRE TO REJECT. THE PANAMANIAN LANDS AND WATERS SUB-GROUP MEMBERS, NOT THE US, WILL IN THE END HAVE TO DO MOST OF THE EXPLAINING TO THEIR OWN POLITICAL LEVEL ON THIS ISSUE. THE MORE EXHAUSTIVE THEIR CURRENT ACTIVITIES APPEAR, THE MORE FORTHCOMING THEY CAN MAKE US OUT TO HAVE BEEN TO THEM ON A TECHNICAL LEVEL, AND THE MORE EXTENSIVE A DOCUMENTARY RECORD THEY PREPARE, THE MORE LIKELY IT IS THAT THEY CAN QUALIFY THEMSELVES TO THEIR POLITICAL SUPERIORS AS "TECHNICIANS" WHOSE CONCLUSIONS MAY NOT BE LIGHTLY DISREGARDED.

8. A SECOND IMPORTANT PURPOSE, IN THEIR VIEW, IS THAT THIS EXERCISE IS A SIGN OF MOVEMENT AND PROGRESS ON ONE OF THE MOST TECHNICALLY COMPLEX ISSUES IN THE NEGOTIATIONS. EVEN THE SECRECY WITH WHICH THE PANAMANIANS SEEK TO SURROUND THESE ACTIVITIES, AND THEIR REQUESTS FOR EXHAUSTIVE SCHEDULES AND VOLUMINOUS DOCUMENTATION, ENHANCE THE APPEARANCE OF AN ARCANE TECHNICAL PROCESS DIRECTED TOWARD RESOLVING AN ISSUE WITHOUT WHICH ALL

ELSE WILL BE INCOMPLETE. THE PANAMANIAN TEAM MEMBERS HAVE RECENTLY STRESSED TO EMBOFF THEIR STRONG DESIRE, IN CONSULTATION WITH THEIR GROUP LEADER EDWIN FABREGA, TO PRESS FORWARD ON THIS TECHNICAL LEVEL WITHOUT REGARD TO WHAT MIGHT BE TRANSPIRING ON THE POLITICAL LEVEL OF THE NEGOTIATIONS. THIS ISSUE THEY STRESSED, CALLS FOR TIME AND CARE IN MULTIPLE FACTUAL DETAILS, WHEREAS-- IN THEIR VIEW--THE REMAINING POLITICAL ISSUES WILL BE CONFIDENTIAL

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CONCEPTUALLY SETTLED WHEN POLITICAL WILL ON BOTH SIDES PERMITS, AND THEY SEE THIS WILL CURRENTLY INEXTRICABLY INTERMINGLED WITH THE US AND PANAMANIAN DOMESTIC POLITICAL SITUATIONS. CONTINUATION OF THEIR ACTIVITIES IS THUS BOTH AN IMPORTANT PSYCHOLOGICAL SUPPORT FOR THEM, AND A COUNTER TO OTHERS IN THE GOP WHO MIGHT PREFER TO TRY TO ACCELERATE THE NEGOTIATIONS IN GENERAL BY RUNNING UP THE PRESSURE ON THE US.

9. THIRD, THERE IS A REAL EDUCATIONAL VALUE IN THIS EXERCISE WHICH THE PANAMANIAN THEMSELVES ACKNOWLEDGE. THIS SHOULD NOT BE OVERSTRESSED--THEY ARE IN FACT FAIRLY FAMILIAR WITH MUCH THAT THEY ARE SEEING, AND MUCH OF THE INFORMATION WHICH THEY REQUEST IN THIS CONTEXT IS ALREADY AVAILABLE IN ONE FORM OR ANOTHER EITHER TO OTHER AGENCIES OF THE GOP OR IN THEIR FILES FROM EARLIER NEGOTIATIONS (MOST NOTABLY 1967). HOWEVER, IT IS IMPORTANT FOR THEM PSYCHOLOGICALLY THAT THIS BE A COMPLETELY NEW EXERCISE LEADING TOWARD A COMPLETELY NEW AGREEMENT--THUS, THEY CANNOT ADMIT THAT MUCH OF THIS SIMPLY REFLECTS A GREAT DEAL OF PRIOR ART IN THIS FIELD. THIS IS OCCASIONALLY MILDLY INFURIATING ON THE US SIDE, PARTICULARLY IN CASES WHERE THE SAME INDIVIDUALS ARE DOING--AS THEY SEE IT--MUCH THE SAME THINGS, AND ANSWERING THE SAME QUESTIONS, AS THEY HAVE ANSWERED MANY TIMES BEFORE. BUT IN THIS PROCESS OF REPETITION, THESE PANAMANIAN ARE ALSO LEARNING SOME THINGS WHICH THEY HAD EITHER FORGOTTEN OR HAD NEVER KNOWN. THEY KNOW THIS. AND IT IS USEFUL TO US THAT THEY LEAR THESE THINGS WELL.

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10. FINALLY, ARGUMENTS AND POSITIONS ASIDE, THESE PANAMANIAN'S THEMSELVES REALIZE, WE FEEL, THAT THE US AND PANAMA ARE CONFRONTING TWO DEFINITE, AND PERCEPTIBLY DIFFERENT, REALITIES ON THE LANDS AND WATERS ISSUE. FOR THE US, THE TECHNICAL AND FINANCIAL ASPECTS OF THE QUESTION ARE OBVIOUSLY PREDOMINANT--OUR PROBLEM IS DEFINING OUR ACTUAL TECHNICAL REQUIREMENTS AND HANDLING THEM WITHOUT UNDUE COSTS. FOR PANAMA, THESE ASPECTS ARE DEFINITELY SECONDARY TO ITS POLITICAL NEED FOR VISIBLE GAINS, PARTICULARLY IN AREAS OF POLITICAL IMPACT, TO PROMOTE THE OVERALL TREATY'S ACCEPTABILITY IN PANAMA. THE PANAMANIAN'S, AT THIS POINT, APPEAR GENUINELY CONVINCED OF THE NEED TO AT LEAST FULLY FAMILIARIZE THEMSELVES--IF NOT ALWAYS TO PRIVATELY AGREE WITH--OUR REALITY AND TO PROCEED FROM THIS TO SEEK SOME SOLUTIONS WHICH WILL ACCOMMODATE BOTH OF THESE REALITIES IN APPRISING THEM OF WHAT WE ARE DOING NOW AND WHY, WE ARE TO A CONSIDERABLE EXTENT WRITING THE LINES WHICH THEY WILL ULTIMATELY READ WITHIN THEIR OWN SYSTEM.

11. PANAMANIAN'S TENTATIVE WORK PLAN: BRIEFING/VISIT/ FAMILIARIZATION ACTIVITIES, AND ATTENDANT REQUESTS
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FOR MAPS AND/OR OTHER SPECIFIC INFORMATION, AS OUTLINED SEPTEL, WILL PROBABLY TAKE ANOTHER 2-3 WEEKS TO COMPLETE, AND MAY STRETCH OUT TO LONGER. PANAMANIAN'S HAVE INDICATED THAT THEY ENVISAGE NEXT STAGE AFTER THAT AS A STAGE

OF FURTHER ACTUAL TECHNICAL DISCUSSIONS BY LANDS AND WATERS SUB-GROUPS FOR BOTH SIDES, AND ATTENDANT PROCESS OF TRYING TO HAMMER OUT A MAP AT THAT LEVEL WHICH WOULD EITHER (HOPEFULLY) BE WHOLLY AGREED--IN WHICH CASE THEY FEEL EACH SIDE WOULD HAVE TO SELL IT TO ITS OWN POLITICAL LEVEL--OR AT LEAST WOULD MINIMIZE REMAINING DIFFERENCES TO A LIMITED NUMBER WHICH ABSOLUTELY MUST BE BUCKED TO THE POLITICAL LEVEL FOR RESOLUTION. THE PANAMANIAN SUB-GROUP MEMBERS HAVE INDICATED IN STRICTEST CONFIDENCE THAT THEY WOULD PREFER DURING THAT STAGE NOT TO HAVE TO KEEP THEIR POLITICAL SUPERIORS FULLY AND CURRENTLY APPRISED OF THEIR ONGOING DISCUSSIONS UNTIL THESE ARE SUBSTANTIALLY COMPLETE, AND DEFENDABLE AS A PACKAGE. THIS WOULD BE AT LEAST NOMINALLY, THE PENULTIMATE STAGE OF THE LANDS AND WATERS DISCUSSIONS, WITH THE FINAL STAGE BEING AGREEMENT BETWEEN THE POLITICAL LEVELS. IT IS CLEAR TO US, HOWEVER, THAT THE PANAMANIAN SUB-GROUP MEMBERS INTEND AT LEAST TO TRY TO MAKE THIS THE PRACTICAL END OF THE PROCESS, AND TO MINIMIZE THEIR OWN SUPERIORS' FLEXIBILITY TO TAMPER WITH THE PACKAGE IN WAYS WHICH MIGHT BE TECHNICALLY DISRUPTIVE AND UNSOUND, AND THUS WOULD SERVE NO ONE'S LONG-TERM INTERESTS.

12. AS TO TIMING, THEY HAVE INDICATED THAT THEY FORESEE PROBLEMS IF SUBSTANTIAL AGREEMENT CANNOT BE REACHED, BOTH ON LANDS AND WATERS AND ON THE OVERALL TREATY CONCEPTUAL PACKAGE, BEFORE SOMETIME VERY EARLY NEXT YEAR. ACCORDINGLY, THEY WOULD LIKE TO SHOOT FOR ESSENTIAL COMPLETION OF THE LANDS AND WATERS TECHNICAL DISCUSSIONS, AND REFERENDUM TO THE POLITICAL NEGOTIATOR LEVEL, SOMETIME DURING THE CURRENT YEAR.

13. EMBASSY INTENDS AT PRESENT TO CONTINUE WITH PLANNED ACTIVITIES INDICATED SEPTEL UNTIL SUCH TIME AS PANAMANIAN SUB-GROUP MEMBERS HAVE SEEN ALL THAT THEY WANT TO SEE, AND HAVE RECEIVED ALL THE DOCUMENTATION THAT THEY WANT TO RECEIVE. DURING THIS PROCESS, ANY NOTABLE TRENDS
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OF QUESTIONING OR PARTICULAR POINTS, ALONG LINES PARAS 2-6 ABOVE, WILL BE REPORTED AS THEY DEVELOP, BUT WE WILL NEITHER SEEK TO STIMULATE INDICATIONS OF THEIR POSITIONS NOR INDICATE ANY ABILITY TO DISCUSS OURS WITH THEM. UPON COMPLETION OF THIS INFORMATIONAL AND FAMILIARIZATION PHASE, EMBASSY WILL REQUEST FURTHER GUIDANCE AS TO HOW THEN TO PROCEED.

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